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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Samuel Steinemann	Examiner:	J. Combs-Morillo
Serial No.:	10/750,446	Group Art Unit:	1742
Confirmation No.:	1771	Docket:	1409-2 RCE/CON/RCE
Filed:	December 31, 2003	Dated:	August 17, 2006
For:	BINARY TITANIUM- ZIRCONIUM ALLOY FOR SURGICAL IMPLANTS AND A SUITABLE MANUFACTURING PROCESS		

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I hereby certify this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on August 17, 2006.

Signed: Joyce Peterson

REQUEST FOR REFUND

Sir:

Applicant filed a Request for Continued Examination on August 14, 2006 with an Amendment and Petition for Extension of Time. The Applicant is a small entity but was erroneously charged as a large entity for the Request.

Applicant respectfully requests that Deposit Account No. 08-2461 be credited in the amount of \$395.00, which Applicant believes was charged in error. A copy of the Deposit Account Statement for Deposit Account No. 08-2461 is enclosed showing a charge on August 16, 2006 of \$790.00 against Fee Code 1801.

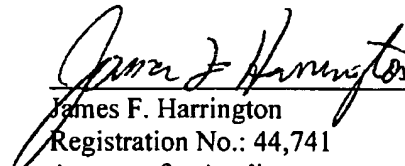
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Applicant: Samuel Steinemann
Serial No.: 10/750,446
Filed: December 31, 2003
Request for Refund
Page 2 of 2

It is requested that our Deposit Account No. 08-2461 be refunded in the amount of

\$395.00. A duplicate copy of this Request is submitted herewith.

Respectfully submitted,

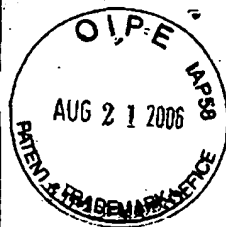

James F. Harrington
Registration No.: 44,741
Attorney for Applicant

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
JFH/jp

225572_1

Deposit Account Statement

Page 6 of 6



Date	Account Number	Description	Amount	Balance
08/15 45	E-REPLENISHMENT	9203	-\$30,000.00	\$37,543.10
08/15 47	10438409	498-288	1251	\$120.00
08/15 67	60837069	1669-2P	2005	\$100.00
08/15 100	11503100	442-263	1011	\$300.00
08/15 101	11503100	442-263	1111	\$500.00
08/15 102	11503100	442-263	1311	\$200.00
08/15 103	11503100	442-263	1202	\$200.00
08/15 123	11439832	1421-167	1051	\$130.00
08/15 125	11430509	187-107	1011	\$300.00
08/15 126	11430509	187-107	1051	\$130.00
08/15 127	11430509	187-107	1111	\$500.00
08/15 128	11430509	187-107	1311	\$200.00
08/15 130	11437889	792-57	1051	\$130.00
08/15 139	10551665	1114-10 PCT/US	8021	\$40.00
08/15 159	29209305	187-87 DES	1502	\$800.00
08/15 160	29209305	187-87 DES	8001	\$30.00
08/15 169	60837221	1666-2P	2005	\$100.00
08/15 172	PCT/US06/30664	1421-167 CIP/PCT	1601	\$300.00
08/15 173	PCT/US06/30664	1421-167 CIP/PCT	1704	\$1,925.00
08/15 174	PCT/US06/30664	1421-167 CIP/PCT	1702	\$1,086.00
08/15 175	PCT/US06/30664	1421-167 CIP/PCT	1703	\$672.00
08/15 176	PCT/US06/30664	1421-167 CIP/PCT	8007	\$60.00
08/15 269	US0435179	760-234 PCT	8021	\$40.00
08/15 445	US0512130	760-182 PCT	8021	\$40.00
08/16 62	10750446	1409-2 RCE/CON	1801	\$790.00
08/16 63	10750446	1409-2 RCE/CON	1252	\$450.00
08/16 93	11503439	1421-61	1011	\$300.00
08/16 94	11503439	1421-61	1111	\$500.00
08/16 95	11503439	1421-61	1311	\$200.00
08/16 96	11503439	1421-61	1201	\$1,600.00
08/16 97	11503439	1421-61	1202	\$1,600.00
08/16 192	10588824	5137 PCT/US	2631	\$150.00
08/16 193	10588824	5137 PCT/US	2633	\$100.00
08/16 194	10588824	5137 PCT/US	2642	\$200.00

START
BALANCE
\$30,667.10

SUM OF
CHARGES
\$100,112.00

SUM OF
REPLENISH
END
BALANCE
\$93,195.00 \$23,750.10

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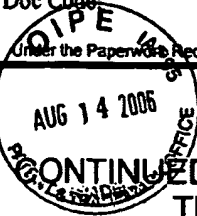
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08-15-06

Approved for use through 07/31/2006. OMB 0851-0031

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10750,446
Filing Date	December 31, 2003
First Named Inventor	Samuel Steinemann
Art Unit	1742
Examiner Name	J. Combs-Morillo
Attorney Docket Number	1409-2 RCE/CON/RCE

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☐ Other _____
 - ☒ Enclosed
 - ☒ Amendment/Reply
 - ☐ Affidavit(s)/Declaration(s)
 - ☐ Information Disclosure Statement (IDS)
 - ☐ Other _____
- Miscellaneous**
 - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
 - ☐ Other _____
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
 - ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments to Deposit Account No. 08-2461. I have enclosed a duplicate copy of this sheet.
 - ☒ RCE fee required under 37 CFR 1.17(e)
 - ☒ Extension of time fee (37 CFR 1.136 and 1.17)
 - ☐ Other _____
 - ☐ Check in the amount of \$ _____ enclosed
 - ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>James F. Harrington</i>	Date	8-14-06
Name (Print / Type)	James F. Harrington	Registration No.	44,741

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States F an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 14 the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Joyce Peterson</i>
Name (Print / Type)	Joyce Peterson

EXPRESS MAIL CERTIFICATE

Date: 8/14/06 Label No. EL805 4592854 all in
I hereby certify that the date indicated above, I deposited this paper or for with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "EXPRESS MAIL, Post Office to Addressee" Service.
Joyce Peterson (Print Name) *Joyce Peterson* (Signature)

This collection of information is required by 37 CFR 1.114. The information is required to obtain or (renew) a patent by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

08/16/2006 NWDL06E1 00000042 082461 10750446

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